

gerous as the tendencies they seek to combat. The monitoring of culture is, however, absolutely indispensable if the goals of the antidiscrimination project are ever to be attained. Opponents of such monitoring charge that its purpose, even when it does not attempt to invoke the coercive power of the state, is to create a new orthodoxy. But orthodoxy is what the antidiscrimination project must create — not in the sense that some central scrutinizer should be empowered to punish deviations from it, but in the sense that on certain issues there ought to be a high degree of uniformity of opinion among the citizens. The popular press no longer debates about whether blacks are genetically closer to apes than to whites, or whether there is an international Jewish conspiracy to dominate the world. The absence of diversity of opinion on these matters is a great social good.

Ultimately, the antidiscrimination project is not just a matter for lawyers, judges, politicians, bureaucrats, academics, and other specialists. Without the active

and committed participation of ordinary people, the project must become tyrannical or fail, or (most likely) both. It is therefore important that everyone understand the harms constituted and caused by the perpetuation of unjustified stigmas and know why they need to be eliminated. The antidiscrimination project can hope to succeed only to the extent that it is an antidiscrimination movement.

— Andrew Koppelman

Andrew Koppelman is assistant professor of government at Princeton University. Adapted from *Antidiscrimination Law and Social Equality*, by Andrew Koppelman. To be published in May 1996, by Yale University Press. Copyright 1996 by Yale University. Reproduced by permission.

Value Pluralism and Political Liberalism

A free society will defend the liberty of individuals to lead many different ways of life. It will also protect a zone within which individuals will freely associate to pursue shared purposes and express distinctive identities, creating a dense network of human connections called civil society. But the boundaries of this protected zone are contested. The laws and regulations of the political community can conflict with the practices of voluntary associations.

Consider the case of *Wisconsin v. Yoder*, decided by the Supreme Court a quarter century ago. This case presented a clash between a Wisconsin state law, which required school attendance until age sixteen, and the Old Order Amish, who claimed that high school attendance would undermine their faith-based community life. The majority of the Court agreed with the Amish and denied that the state of Wisconsin had made a compelling case for intervening against their practices.

I believe that this case was correctly decided, not only from a constitutional standpoint, but also in accordance with the soundest understanding of citi-

zenship and state power in a liberal democracy. We are familiar with the moral advantages of central state power; we must also attend to its moral costs. If, as I shall argue, our moral world contains plural and conflicting values, then the enforcement of overarching public principles runs the risk of interfering with morally legitimate individual and associational practices. A liberal polity guided by a commitment to value pluralism will be parsimonious in specifying binding public principles and cautious about employing such principles to intervene in the internal affairs of civil associations. It will rather pursue a policy of maximum feasible accommodation. This imperative is clearest with respect to faith-based associations, which I will take as my model case.

The Master-Ideas of Liberal Thought

The current debate over the relation between value pluralism and political liberalism began when the British philosopher John Gray — an ardent foe of the “new liberalism” represented by John Rawls and com-

pany — extended his critique to a paradigmatic liberal, Isaiah Berlin. Berlin is famous for two master-ideas. First, he depicted a moral universe in which important values are plural, conflicting, incommensurable in theory, and uncombinable in practice — a world in which there is no single, univocal summum bonum that can be defined philosophically, let alone imposed politically. And second, he defended negative liberty, understood as the capacity to choose among competing conceptions of good or valuable lives, as the core value of liberal political thought.

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Gray's basic point is that these two master-ideas do not fit together entirely comfortably. The more seriously we take value pluralism, the less inclined we will be to give pride of place to freedom or autonomy ("negative liberty") as a good that trumps all others. We will recognize that lives defined by habit, tradition, or the acceptance of authority can be valid forms of human flourishing. We will therefore conclude that liberalism — understood as the philosophy of societies in which liberty or autonomy takes pride of place — enjoys only local authority. If value pluralism is correct, liberalism cannot sustain its universalist claims and emerges at best as one valid form of political association among many others.

My argument is that the fit between value pluralism and political liberalism is tighter than Gray supposes but that nonetheless his objection has important implications for our understanding of the role of deep pluralism within liberal societies. To show this, I'll first attempt to clarify the philosophical claims of value pluralism, and then draw out its political consequences.

Clarifying Value Pluralism

Value pluralism is not an argument for radical skepticism, or for relativism. The moral philosophy of pluralism stands *between* relativism and absolutism. This can be demonstrated fairly quickly:

It is not relativist. From a value-pluralist perspective, some things (the great evils of human existence) are objectively bad, to be avoided in both our individual and collective lives. Conversely, some things are objectively good (recall Stuart Hampshire on the "minimum common basis for a tolerable human life" or H.L.A. Hart on the "minimum content of natural law").

Nor is value pluralism absolutist. There are multiple goods that cannot be reduced to a common measure, cannot be ranked in a clear order of priority, and do not form a harmonious whole. There is no single conception of the good valid for all individuals: what's good for A may not be equally good for B. Nor is there one preferred structure for weighing goods. In our moral as well as material lives, there are more desirable goods than any one individual or group can possibly encompass; to give one kind of good pride of place is necessarily to subordinate, or exclude, others. Some individuals and groups may be morally broader than others, but none is morally universal.

What is the relation between value pluralism, thus understood, and the political philosophy of liberalism?

Autonomy and Diversity

If the moral philosophy of pluralism is roughly correct, then there is a range of indeterminacy within which various choices are rationally defensible. Pluralism is one premise in an argument for a protected zone of moral liberty. The argument runs as follows. Since there is no one uniquely rational ordering or combination of incommensurable values, no one could ever provide a generally valid reason, binding on all individuals, for a particular ranking or combination. And, under what might be called *the principle of rational autonomy*, a generally valid reason of this sort, while not a sufficient condition for restricting the liberty of individuals to lead a range of diverse lives, is certainly a necessary condition.

Note that this case for a zone of liberty is a claim about limits on coercive interference in individual or group ways of life. It is not an argument that each way of life must itself *embody* a preference for liberty. This distinction — liberty within ways of life versus liberty between ways of life — is part of a broader contrast.

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There are two quite different standpoints for understanding modern life, with different historical roots. The first of these, which gives pride of place to *autonomy*, is linked to what may be called the Enlightenment project — the experience of liberation, through reason, from externally imposed authority. Within this project, the examined life is understood as superior to reliance on tradition or faith, and preference is given to self-direction over any external determination of the will.

The alternative standpoint, which gives pride of place to *diversity*, finds its roots in what I shall call the Reformation project — that is, to the effort to deal with the political consequences of religious differences within Christendom. Within this project, the central task is that of accepting and managing diversity through mutual toleration within a framework of civic unity.

In my judgment, social theorists — especially liberals — go astray when they give pride of place to an ideal of personal autonomy, understood as the capacity for critical reflection and for choice guided by such reflection. The inevitable consequence is that the state takes sides in the ongoing tension between reason and faith, reflection and tradition, needlessly marginalizing and antagonizing groups that cannot conscientiously embrace the Enlightenment project.

Rightly understood, liberalism is about the protection of diversity, not the promotion of autonomy. In practice, liberal societies are unusually hospitable to critical reflection of all kinds. But that doesn't mean that the cultivation of critical reflection is a higher-order political goal: liberal societies can and must make room for individuals and groups whose lives are guided by tradition, authority, and faith.

It may be suggested that while autonomy poses clear challenges to faith, the moral philosophy of value pluralism is not straightforwardly hospitable to faith either. This is true. Some faiths purport to establish clear hierarchies of values, with universally binding higher-order purposes. Some faiths argue for sociopolitical domination, against the idea of a free civil space. Clearly value pluralism cuts against these claims.



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Still, there are zones of overlap between value pluralism and religious belief. In practice, even well-articulated faiths are characterized by internal value pluralism. And once the multiplicity of faiths is an irreversible fact, other considerations — many themselves faith-based — come into play to restrict state coercion on behalf of any single faith. This is a kind of restraint on certain religious practices, and it may well stack the deck in favor of faiths that emphasize inward conscience rather than external observance. Nonetheless, value pluralism establishes a meaningful social space for religious belief and practice.

Political Choices

As this discussion suggests, there is a distinction between pluralism at the level of individual lives and at the level of political institutions. Two differences are key. First, even if there are no binding rational principles guiding individuals' weighing of competing goods, the same may not be the case for political choices. For example, suppose you take as a basic principle of political morality that each person or group is to be treated in accordance with the strength of its valid claims. In the context of value pluralism, this warrants a strategy of compromise and balance to accommodate multiple valid claims. So understood, the politics of compromise is not an unprincipled, split-the-difference tactical pragmatism; nor is it the pursuit of conflict reduction for its own sake, a bare *modus vivendi*. Rather, it is *the right thing to do* in circumstances of value pluralism. (This is also an argument in favor of the messiness of politics and against a pernicious legalism that absolutizes competing claims and creates winner-take-all outcomes.)

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My experience dealing with policy disputes while in government reinforces my confidence in this assertion. In case after case, I encountered many conflicting arguments, each of which seemed reasonable up to a point. Each appealed to an important aspect of our individual or collective good, or to deep-seated moral beliefs. Typically, there was no way of reducing these heterogeneous values to a single common measure. Nor was there an obvious way of giving one aspect of our moral experience absolute priority over others. The most difficult choices in politics, I came to believe, are not between good and evil but between good and good.

For just this reason, value pluralism does not always yield a tranquil or straightforward decision-making process. As Philip Tetlock has argued, conflicts among valued goods generate acute discomfort and typically lead to modes of evasion — particularly when some or all of the values are (in Durkheim's sense) sacred rather than secular, or when decision makers are enmeshed in processes of accountability that make it costly to acknowledge that trade-offs must be made.

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Still, even if we can't reduce qualitatively different claims to a common measure, there may be ways of deliberating about trade-offs among them that allow us to distinguish between more and less reasonable outcomes. For example, the claim that one good should enjoy an absolute or lexical priority over others is typically hard to sustain in a deliberative political context. In situations in which an increment of one good can be obtained only at the cost of rapidly increasing losses of other goods, most people will agree that at some point enough is enough. They also realize that circumstances alter cases. Gray sometimes uses existentialist language to characterize the politics of value pluralism. But his focus on "radical choice," unguided by reason, seems empirically dubious. There are considerations short of mathematical or logical rigor that nonetheless incline people to agree on a decision.

Narrowness and Capaciousness

We can make a second distinction between individual and social pluralism. While any particular life necessarily represents a narrowing of value — one among many possible rankings and combinations of values and goods — the same is not the case (at least not in the same way and to the same extent) for societies. Some societies may embody a collective narrowing — an individual choice writ large. Others may represent capaciousness — that is, they may encompass a range of ways of life that can neither be commensurated nor combined at the level of individuals.

Does value pluralism entail a preference for social capaciousness over social narrowing? Gray's position is that the preference for capaciousness is a matter of history rather than logical entailment; it reflects the central role of autonomy in our culture, and the fact of

(increasing) interpenetration of cultures, which in many circumstances can be halted and reversed only through tactics ranging from the coercive to the barbaric. But capaciousness, Gray argues, is not required in circumstances in which homogeneity may be preserved (through tradition, precedent, or authority) unless deliberately perturbed by outside influences.

A narrow society is one in which only a small fraction of inhabitants can live their lives in a manner consistent with their flourishing and satisfaction.

My view of the relation between value pluralism and social capaciousness is quite different. It rests on a modest proposition concerning what might be called philosophical anthropology. While it is true, as Gray suggests, that we are beings whose good is given only in part by our (generic) nature, it is also the case that the diversity of human types is part of what is given. A narrow society is one in which only a small fraction of inhabitants can live their lives in a manner consistent with their flourishing and satisfaction. The rest will be pinched and stunted to some considerable degree. All else being equal, this is an undesirable situation, and one that is best avoided. To the maximum extent possible in human affairs, liberal societies do avoid this kind of pinching. This is an important element of their vindication as a superior mode of political organization.

Gray has rightly argued that liberal polities are not neutral in their sociological effects; certain forms of life are placed on the defensive, or marginalized. Still, there is more scope for diversity in liberal societies than anywhere else. And those societies have it in their power to adopt policies that maximize the possibility of legitimate diversity.

Liberal Politics and Civic Diversity

Within liberal political orders (as in all others), there must be some encompassing political norms. The question is how "thick" the political is to be. The answer will help determine the scope of legitimate state intervention in the lives of individuals, and in the internal processes of organizing that make up civil society.

The constitutional politics of value pluralism will seek to restrict enforceable general norms to the essentials. By this standard, the grounds for national political norms and state intervention include basic order and physical protection; the sorts of goods that Hampshire, Hart, and others have identified as neces-

sary for tolerable individual and collective life; the components of shared national citizenship; and conceptions of social justice, or of worthwhile human lives, that should guide civil associations as well as public institutions. It is difficult, after all, to see how societies can endure without some measure of order and material decency. And since Aristotle's classic discussion of the matter, it has been evident that political communities are organized around conceptions of citizenship that they are required to defend.

But how much further should the state go in enforcing specific conceptions of justice, authority, or the good life? What kinds of differences should the state permit? What kinds of differences may the state encourage or support? This is, of course, a normative issue: What are the principled limits to state power? But it is also an empirical question: Must civil associations mirror the constitutional order if they are to sustain that order?

In a series of recent articles, Nancy Rosenblum has answered that question in the negative. Rosenblum asks us to look at different functions of civil associations. They can express liberty as well as personal or social identity; provide arenas for the accommodation

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of deep differences; temper individual self-interest; help integrate otherwise disconnected individuals into society; nurture trust; serve as seedbeds of citizenship; and resist the totalizing tendencies of both closed communities and state power.

It is not obvious as an empirical matter that civil society organizations within liberal democracies must be organized along liberal democratic lines in order to perform some or all of these functions. Consider recent findings reported by Verba, Schlozman, and Brady in *Voice and Equality*: religious organizations — including fundamentalist churches — serve as important seedbeds of political skills, particularly for those without large amounts of other politically relevant assets such as education and money. There is room for deep disagreement about the policies that many religious groups are advocating in the political arena. But there seems little doubt that these groups have fostered political education and engagement to an extent few other kinds of associations can match, at a time when most social forces are pushing toward political and civic disengagement.

As a general matter, then, the liberal democratic polity should not casually interfere with organizations that don't conduct their internal affairs in conformity with broader political norms. At one level, this point is obvious: I take it that we would agree, for example, that antidiscrimination laws should not be invoked to end the Catholic Church's exclusion of women from the priesthood.

But let's move to a less clear-cut example. Consider the issues raised in the case of *Ohio Civil Rights Commission v. Dayton Christian Schools, Inc.* A private fundamentalist school decided not to renew the contract of a pregnant married teacher because of its religiously based belief that mothers with young children should not work outside their homes. After receiving a complaint from the teacher, the Civil Rights Commission investigated, found probable cause to conclude that the school had discriminated against an employee, and proposed a consent order including full reinstatement with back pay.

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As Frederick Mark Gedicks observes, this case involves a clash between a general public norm (nondiscrimination) and the constitutive beliefs of a civil association. The teacher unquestionably experienced serious injury through loss of employment. On the other hand, forcing the school to rehire her would

clearly impair the ability of the religious community of which it formed a key part to exercise its distinctive religious views — not just to profess them, but also to express them in its practices. The imposition of state-endorsed beliefs on such communities would threaten core functions of diverse civil associations — the expression of a range of conceptions of the good life and the mitigation of state power. In this case and others like it, a liberal politics guided by value pluralism would give priority to the claims of civil associations.

*There is a basic distinction between
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above that baseline.*

Current federal legislation and constitutional doctrine reflect this priority to a considerable degree. Thus, although Title VII of the Civil Rights Act prohibits employment discrimination on the basis of religion, section 702 of the statute exempts religious organizations. In the case of *Corporation of the Presiding Bishop of the Church of Latter-Day Saints v. Amos*, decided in 1987, the Supreme Court not only upheld this accommodation in principle but also extended its reach to a wide range of secular activities conducted under the aegis of religious organizations.

This does not mean that all religiously motivated practices are deserving of accommodation. Some clearly aren't. No civil association can be permitted to engage in human sacrifice: there can be no free exercise for Aztecs. Nor can a civil association endanger the basic interests of children by withholding medical treatment in life-threatening situations. But there is a basic distinction between the minimal content of the human good, which the state must defend, and diverse conceptions of flourishing above that baseline, which the state must accommodate to the maximum extent possible. There is room for reasonable disagreement as to where that line should be drawn. But the moral philosophy of pluralism should make us very cautious about expanding the scope of state power in ways that coerce uniformity.

There are two complications for the position I have described. First, the expansion of the modern state means that most civil associations are now entangled with it in one way or another. If participation in public programs means that civil associations must govern their internal affairs by general public principles, then the zone of diversity is dangerously narrowed. There should therefore be some relaxation of the prevailing legal doctrine that the state cannot do indirectly what it is forbidden to do directly.

Second, there is a distinction between permission and encouragement. There is no requirement that the state confer benefits on civil associations that violate important public principles. In my judgment, the *Bob Jones* case (denying tax-exempt status to a segregated school) was correctly decided.

A Right of Exit

I want to conclude with a brief discussion of the conception of liberty flowing from the pluralist view. Within broad limits, civil associations may order their internal affairs as they see fit. Their norms and decision-making structures may significantly abridge individual freedom and autonomy without legitimating external state interference. But these associations may not coerce individuals to remain as members against their will. Thus there is a form of liberty whose promotion is a higher-order political goal: individuals' right of exit from groups and associations that make up civil society. This liberty will involve not only insulation from certain kinds of state interference, but also a range of affirmative state protections.

To see why this is so, we need only reflect on the necessary conditions for a meaningful right of exit. These include *knowledge* conditions, offering chances for awareness of alternatives to the life one is in fact living; *psychological* conditions, including freedom from the kinds of brainwashing practiced by cults; *fitness* conditions, or the ability of individuals to participate effectively in some ways of life other than the one they wish to leave; and *social diversity*, affording an array of meaningful options.

This last points to a background feature of the judgment I rendered in the case of Dayton Christian Schools — the existence of employment alternatives for the affected teacher. If that religious community had been coextensive with the wider society — if there were no practical exit from its arena of control — my conclusion would have to be significantly revised. The pluralist concept of liberty is not just a philosophical abstraction; it is anchored in a concrete vision of a pluralist society in which the innate human capacity for different modes of individual and group flourishing has to some significant degree been realized.

— William A. Galston

An earlier version of this essay was presented at the conference "Liberalism and Its Critics," sponsored by the Department of Philosophy of The George Washington University, March 1996. Sources: John Gray, *Post-Liberalism: Studies in Political Thought* (Routledge, 1993), and Isaiah Berlin (Princeton University Press, 1996); Stuart Hampshire, *Morality and Conflict* (Harvard University Press, 1983); H.L.A. Hart, *The Concept of Law* (Clarendon Press, 1961); Philip Tetlock, Randall Peterson, and Jennifer Lerner, "Revising the Value Pluralism Model: Incorporating Social Content and Context Postulates" (paper presented at the Eighth Ontario Symposium on Personality and Social Psychology: Values, London, Ontario, August, 1993); Nancy L. Rosenblum, "Civil Societies: Liberalism and the Moral Uses of Pluralism," *Social Research*, vol. 61, no. 3 (Fall 1994); Sidney Verba, Kay Lehman Schlozman, and Henry E. Brady, *Voice and Equality: Civic Volunteerism in American Politics* (Harvard University Press, 1995); Frederick Mark Gedicks, "Toward a Constitutional Jurisprudence of Religious Group Rights," *Wisconsin Law Review*, vol. 99 (1989).

In Defense of Enlightenment Liberalism

Professor Galston, in his account of value pluralism, develops and defends a form of liberalism rooted in what he calls the "Reformation project." The central value of the project is diversity and its guiding principle is that laws and political institutions should accommodate as far as feasible the existing diversity of values in society. Galston contrasts this approach with that of Enlightenment liberalism, which takes as its central value autonomy and has as its guiding principle

the idea that laws and political institutions should foster maximum equal autonomy for all individuals.

Galston's objections to Enlightenment liberalism stem from his belief that it unjustifiably takes sides in various cultural and ethical disagreements found in liberal societies. For example, Enlightenment liberalism would put the power of the state behind the advocates of reason in their disagreement with the defenders of faith or tradition. It would be antagonistic to certain